Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 31521 of 2023

CNR:{HCMA011966092023}

P.Mariyappan

..Petitioner

Vs

1. The State of Tamil Nadu
   Rep. by its Principal Secretary to Government,
   Revenue Department,
   Secretariat, Chennai- 600 009.

2. The Additional Chief Secretary and
   Commissioner of Revenue Administration,
   Ezhilagam, Chepauk, Chennai- 600 005.

3. The Accountant General (A and E) Pension
   Office of the Account General (A and E)
   Pension Department,
   391, Anna Salai, Chennai.

4. The District Collector
   Office Of The District Collector, Coimbatore.

5. The Sub Collector
   Office Of The Sub Collector,
   Pollachi, Coimbatore District.

6. The Tahsildar,
   Office of the Tahsildar,
   Pollachi, Coimbatore District.

7. The Village Administrative Officer,
   Office of the Village Administrative Officer,
   Pollachi, Coimbatore District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to

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issue a Writ of Mandamus, directing the respondents to pass orders on the representation of the petitioner dated 16.08.2023 in accordance with Rule 4 of the Tamil Nadu Village Assistant Pension Rules, 1995.

For Petitioner:	Mr.Deepan Uday
For R1, R2, R4 to R7:	Mr.V.Tamizhanban, Government Advocate
For R3	Mr.Arjun Suresh, Standing Counsel

ORDER

This Writ Petition has been filed by the petitioner for the issuance of a Writ of Mandamus, directing the respondents to pass orders on the representation of the petitioner dated 16.08.2023 in accordance with Rule 4 of the Tamil Nadu Village Assistant Pension Rules, 1995.

2. The learned counsel for the petitioner submitted that while counting the length of service for the calculation of pension and gratuity, temporary, officiating and permanent (full time) service shall be reckoned as qualifying service. It is also his contention that this Court, in many cases has time and again held that 50% of the past service rendered by Thalayaris upto 31.05.1995 has to be counted along with regular service for the purpose of calculation of pension.

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3. The said contention was totally objected by the learned Government Advocate and he contended that the only full time service shall be reckoned as qualifying service under section 4(a) of the Tamil Nadu Village Assistant Pension Rules, 1995. In the case in hand, the petitioner was appointed as Thalayari in the office of the 7th respondent on a temporary and Part-time basis. Therefore, it is his contention that the petitioner is not entitled to any pension.

4. In support of his contention, he relied upon the judgment of the Hon'ble Division Bench of this Court in Rev.Aplc (MD) No.125 of 2022 dated 23.02.2023, wherein the Hon'ble Division Bench, after elaborately considering the various provisions, especially the judgment in ***Government of Tamil Nadu vs. R.Kaliyamoorthy***, reported in ***2019(6) CTC 705***, rejected a similar claim. It is also the contention of the learned Government Pleader that the Hon'ble Full Bench has also taken a similar view. Hence, prayed to dismiss the writ petition.

5.I have given my anxious consideration to either side submissions.

6. The main contention put forth by the learned counsel for the petitioner is to count the past service rendered as a Thalaiyari. However, while looking at the factual position, his past service was part-time. According to Rule 4(a) of Tamil Nadu Village Assistant Pension Rules, 1995, full-time service alone will be taken into consideration for the purpose of counting pension, and this

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position was elaborately analysed by the Hon'ble Division Bench in Para 9 of the order, which is held as follows:

> *"9. The petitioner, Ayyanan, pursuant to the order of this Court and the G.O., has been paid pension taking into service from 01.06.1995. His past service has not been taken into account, because it is a non-provincialised service and part time. Therefore, neither G.O.Ms.No.625 dated 06.07.1995 nor G.O.Ms.No.408 dated 25.08.2009, is helpful to the case of Ayyannan. Therefore, this Court clarifies, in the application, that the order of the learned Single Judge in W.P.(MD) No.14679 of 2017 directing to consider the past services of Ayyanan in entirety and the subsequent judgment of the Division Bench in W.A (MD).No.949 of 2018 to consider the 50% of the past services of Ayyannan, prior to 01.06.1995 is set aside, in the light of the Full Bench judgment rendered by this Court subsequently in Kaliyamoorthy's case (cited supra), dated 03.12.2019 and further clarified by the Division Bench in a batch of writ appeals in W.A (MD) Nos.1629 of 2018 etc of batch, dated 26.02.2021."*

7. In view of the above factual and legal position, this Court does not find any merits to issue a mandamus. Accordingly, this Writ Petition stands dismissed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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C.KUMARAPPAN J.

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